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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,545	03/28/2001	Shuntaro Aratani	35.C15233	9431

5514 7590 01/05/2007
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NEW YORK, NY 10112

EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/818,545

Applicant(s)

ARATANI ET AL.

Examiner

Jason P. Salce

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 59-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 59-76 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 59, 62-63, 65, 68, 71-72, 74 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Koppich et al. (U.S. Patent No. 7,084,994).

Referring to claim 59, Koppich discloses a data-broadcasting receiving apparatus (see receiver/STB 10 in Figure 6A).

Koppich also discloses receiving means for receiving data-broadcasting data composed of a plurality of information (see IPP Server 25 in Figure 2 and Column 6, Lines 37-53 for receiving a plurality of information at an analog tuner and digital tuner), the data-broadcasting data being output onto a display means (see TV in Figure 6A).

Koppich also discloses extracting means for automatically extracting information from the data-broadcasting data received by said receiving means (see again Column

Art Unit: 2623

6, Lines 37-53 for tuning/extracting to a channel containing the plurality of information), in accordance with a predetermined condition (the examiner notes that the predetermined condition is interpreted to be the tuned channel which is entered by the viewer).

Koppich also discloses generating means for laying out the information extracted by said extracting means by calculating a printing position in accordance with a predetermined expression (see Column 10, Lines 13-17 for laying out the print job by forwarding the print job from the CPSI server to the CPSI spooler and Column 3, Lines 5-13 for the rasterized print job containing instruction regarding the print position) and generating print data for printing out the laid-out information (see Column 10, Lines 17-20 for the CPSI spooler using the logical printer to send the print job to the print).

Koppich also discloses output means for outputting to a printing means the print data generated by said generating means (see Column 10, 17-20 for printing the print job).

Referring to claim 62, Koppich discloses processing means for executing a plurality of processes on a plurality of information held in the data-broadcasting data received by said receiving means (see Queue in CPSI Spooler 26 in Figure 2).

Koppich also discloses assigning means for automatically assigning a code to a process of the information extracted by said extracting means (see again the Queue in Figure 2 and note that when print jobs are added to a queue, each print job is inherently assigned a print job identifier for each job in the queue).

Koppich also discloses controlling means for controlling said processing means so as to execute the processing of the information according to the code assigned by said assigning means (see Column 10, Lines 17-20).

Referring to claim 63, Koppich discloses that assigning means assigns the code to a program execution (the queue in Figure 2 used to execute print jobs).

Referring to claim 65, Koppich discloses code input means for manually entering a given code, wherein said controlling means controls said processing means in accordance with the code entered by said code input means and the assigned code (see Column 13, Lines 16-19).

Referring to claims 68, 71-72 and 74, see the rejection of claims 59, 62-63 and 65, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 60-61, 64, 66-67, 69-70, 73 and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koppich et al. (U.S. Patent No. 7,084,994).

Referring to claim 60, Koppich discloses all of the limitations in claim 59, but fails to teach a reservation setting means for reserving an operation of said receiving means so as to receive the data-broadcasting data at a predetermined time.

The examiner takes Official Notice to the teaching of a broadcast television system that is capable to schedule a time to turn on the television program to receive television-programming data, therefore teaching the reservation setting means.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the data-broadcasting receiving apparatus, as taught by Koppich, using the automatic receiver power technique, for the purpose of only receiving television programming data at requested times preferred by the user, therefore conserving power consumer and the viewer's home.

Claim 61 corresponds to claim 60, see the rejection of claim 60 and note that once the receiver has been powered on and data is being received, Koppich clearly teaches the receiving, extracting and output means.

Referring to claim 64, see the rejection of claims 60-61 and further note that the assigning means is taught in the rejection of claim 62.

Referring to claims 66-67, see the rejection of claims 59-65.

Referring to claims 69-70 and 73, see the rejection of claims 60-61 and 64, respectively.

Referring to claims 75-76, see the rejection of claims 59-65.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

January 2, 2007

JASON SALCE
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Jason Salce", is written over the printed name and title.